

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :16492 of 2006

DATED:13-04-2007

E.Ramu & 2 others.

..... PETITIONERS

AND

The Commissioner for Prohibition & Excise,
Andhra Pradesh,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel appearing for the petitionerS as well as the learned Government Pleader for Excise appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in proposing to conduct auction for the shop in palamaneru village and municipality, Chittoor District, pursuant to Gazette notification, dated 31-07-2006, in notification No.106 of 2006 on the file of the 2nd respondent, as illegal and arbitrary.

3. It is stated that pursuant to the original Gazette notification issued by the 2nd respondent-District Collector, Chittoor District, published in the District Gazette Extraordinary No.63/06, dated 27-05-2006, notifying the shops at G.S.No.102, 103 and 105 of Palamaneru municipality Ward Nos.13, 18, Shop No.1, and Ward No.18, shop No.3, petitioners became the highest bidders and licences have been granted in their favour. Thereafter it is stated that as G.S.No.403 in respect of Sadam village and mandal shop No.4 was not disposed of, a renotification No.106/06, dated 31-07-2006, has been issued by the District Collector by relocating the shop No.4 of Sadam village and mandal of G.S.No.403 to the Palamaneru municipality Ward No.10. Aggrieved by the said action, this Writ Petition has been filed.

4. This Court while admitting the Writ Petition on 07-08-2006 granted interim stay of all further proceedings pursuant to the notification No.106/2006 published in the Gazette dated 31-07-2006.

5. It is stated that this Court allowed W.P.No.215 of 2007 while dealing with the similar contentions holding that once the area location has been earmarked in respect of a particular village, mandal, it is not proper for the auctioning authority to relocate the same. It is stated that had one more shop notified in Palamaneru municipality, keeping in view the number of shops notified in the Palamaneru municipality the petitioner would have offered less lease amount.

6. Having regard to the facts and circumstances of the case, and for the reasons stated in the above Writ Petition, this Writ Petition is allowed. No order as to costs.

V.ESWARAIAH,J

13th February, 2007.

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